

DOCKET NO. 16043-74325

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: James W. LILLARD, Jr., et al. ART UNIT: 1647

SERIAL NO.: 10/712,393 EXAMINER: Cherie M. WOODWARD

CONFIRMATION NO.: 6842

FILING DATE: November 14, 2003

FOR: ANTI-CHEMOKINE AND ASSOCIATED RECEPTOR ANTIBODIES
AND USES FOR INHIBITION OF INFLAMMATION

RENEWED PETITION UNDER 37 CFR 1.137(b)
WITH A REQUEST FOR RECONSIDERATION

MAIL STOP PETITIONS
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

This is a Renewed Petition under 37 CFR 1.137(b) in response to the Decision on Petition mailed July 1, 2010.

The application was filed in the U.S. Patent and Trademark Office on November 14, 2003 and a first Office Action was mailed to Glenna Hendricks of Hendricks & Associates, at 10305 Friendship Court, Fairfax, VA 22032, previous counsel of record on July 26, 2005. A response to the outstanding Office Action was filed on November 25, 2005. On February 14, 2006, an Office communication was issued requesting to make an election as set forth in the Office Action of July 26, 2005. As no response to the Notice was received, the application became abandoned. On May 17, 2006, a Notice of Abandonment was issued by the United States Patent and Trademark Office for failure to respond to the outstanding Office Action.

On April 16, 2010, a Revocation and Appointment of New Power of Attorney was filed granting Power of Attorney to Ping Wang, M.D., Registration No. 48,328 of Morris, Manning & Martin, LLP (attorneys associated with Customer No. 24728).

Upon receiving power of attorney, Applicants' new counsel checked the status of this application using private PAIR. This was the first time that the Applicants and Applicants' new counsel learned that this application had become unintentionally abandoned.

On May 10, 2010, Applicants' new counsel filed a Petition for Revival of an Application for Patent Abandoned Unintentionally under 27 CFR 1.137(b) along with a Response to Restriction Requirement and Statements in Support of a Petition to Revive an Unintentionally Abandoned application signed by Dr. James W. Lillard, Jr., who is the first named inventor of the application. Subsequently, a telephone interview was held on June 23, 2010 between Applicants' representative and Petition Examiner Sherry Brinkley to discuss the revival of this application. The Examiner indicated that, in order to grant the Petition to Revive Unintentionally Abandoned Application, Applicants must submit Statements in support of the Petition to Revive by all the inventors, as well as a statement from Applicants' prior counsel that the abandonment was indeed unintentional and setting forth a reason for the unintentional abandonment.

On July 1, 2010, an Office communication regarding Decision on Petition was received. The Petition was dismissed.

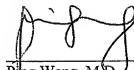
Applicants assert that the unintentional abandonment of this application was due to a miscommunication between the inventors and previous counsel. In accordance with Examiner Brinkley's suggestions in the above-mentioned interview, Applicant submits herewith statements from previous counsel and from all inventors stating that the unintentional abandonment was due to said miscommunication.

In light of the statements of those persons who had firsthand or direct knowledge of the facts and circumstances of the delay at issue, Applicants earnestly solicit reconsideration of the decision mailed July 1, 2010 and revival of this unintentionally abandoned application.

Accordingly, Applicants have made a *bona fide* attempt to comply with the conditions set forth in 37 C.F.R. § 1.137(b), and it is respectfully requested that the instant application be revived. If the Examiner believes for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to contact Ping Wang, M.D. (Reg. No. 48,328) at the telephone number listed below.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

A handwritten signature in black ink, appearing to read 'Ping Wang', is written over a horizontal line.

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